UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMUEL TRAVIS BURBA,

        Plaintiff,   Civil Action No.
                                          09-CV-11961

vs.

                                          PAUL D. BORMAN
NICK LUDWICK, et al.,   UNITED STATES DISTRICT JUDGE

        Defendants.

_____/

ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION AND GRANTING DEFENDANT LUDWICK'S MOTION TO DISMISS

This is a prisoner civil rights case. Plaintiff Samuel Burba, proceeding *pro se*, is suing St. Louis Correctional Facility Warden Nick Ludwick and five unknown corrections officers. Plaintiff claims that Defendants violated his Eighth Amendment rights by failing to protect him during an assault perpetrated by another prisoner.

On August 28, 2009, Defendant Ludwick filed a Motion to Dismiss. *See* docket entry 17. On February 4, 2010, Magistrate Judge Michael Hluchaniuk issued a Report and Recommendation ("R&R") in which he recommends that Defendant Ludwick's motion be granted. *See* docket entry 24.

Plaintiff filed objections to the R&R on February 22, 2010. *See* docket entry 25. The Court reviews *de novo* those portions of the R&R to which a specific objection has been made. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Having done so, the Court finds, over Plaintiff's objections, that Magistrate Judge Hluchaniuk has reached the proper conclusions for the proper

1

reasons. Accordingly,

IT IS ORDERED that Magistrate Judge Hluchaniuk's R&R dated February 4, 2010, is

accepted and adopted as the findings and conclusions of the Court.

IT IS FURTHER ORDERED that Plaintiff's objections to the R&R are overruled.

IT IS FURTHER ORDERED that Defendant Ludwick's Motion to Dismiss [docket entry

17] is granted.

IT IS FURTHER ORDERED that this case shall proceed against the remaining defendants.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: March 1, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on
March 1, 2010.

S/Denise Goodine
Case Manager

2